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In re Application of

JUN 30 2008

Nicholas Paul Andrew Galea
Application No. 09/812,409

: LETTER

Filed: March 20, 2001

Attorney Docket No. U 013324-3

This is regarding the petition under 37 CFR 1.137(b) filed December 7, 2007, and the decision thereon mailed May 23, 2008. This letter is intended a supplement to the decision mailed May 23, 2007.

This application became abandoned for failure to file a proper and timely response to the final Office action mailed September 7, 2005, which set a shortened statutory period for reply of three-months from its mailing date. A response was not received within the allowable period and the application became abandoned on December 8, 2005. A Notice of Abandonment was mailed on October 6, 2006. A petition under 37 CFR 1.137(b) was filed on December 7, 2007, and granted by decision mailed May 23, 2007.

Further review of the petition of December 7, 2007, revealed that a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional was not expressly made. 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varied from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition was construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the petition.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions